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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Re App. : Stephen Nuss : Technology Center 3700  
Serial No. : 09/760,136 : Confirmation No. 2264  
Filed : January 12, 2001 : September 28, 2007  
Appeal No. : 2008-2705  
For : TITANIUM MOLYBDENUM ALLOY GUIDEWIRE

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Mail Stop Appeal Brief – Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

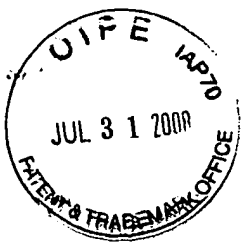
Responsive to the Decision of the Board of Patent Appeals and Interferences in Appeal No. 2008-2705 mailed July 22, 2008, it is apparent that the word "AFFIRMED" appearing at page 4 of the Decision is in error and should read "REVERSED". Applicant's attorney simply wishes to make this error of record.

In that the Examiner is presumed to have made a thorough search of the prior art and which was found by the Board not to establish a *prima facie* case of unpatentability, an early Notice of Allowance is respectfully requested.

Dated: July 28, 2008.

Respectfully submitted,  
NIKOLAI & MERSEREAU, P.A.

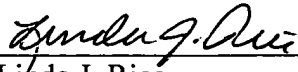
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### CERTIFICATE OF MAILING

I hereby certify that the foregoing submitted in application Serial No. 09/760,136, filed on January 12, 2001, of Stephen Nuss entitled "Titanium Molybdenum Alloy Guidewire" is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Mail Stop APPEAL BRIEF - PATENTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, postage prepaid, on July 28, 2008.

Date of Signature: July 28, 2008.

  
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Linda J. Rice  
On Behalf of Thomas J. Nikolai  
Attorney for Appellant